

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

2 IN AND FOR THE COUNTY OF MARICOPA

3
4 STATE OF ARIZONA,)

5 Plaintiff,)

6 vs.)

No. CR 2008-031021

7 JODI ANN ARIAS,)

8 Defendant.)

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12 REPORTER'S TRANSCRIPT OF PROCEEDINGS

13
14 EXCERPT OF PROCEEDINGS

15
16 Phoenix, Arizona
17 April 2, 2013

18 Before The Hon. Sherry K. Stephens

19
20 **REPORTED BY:**

21 MICHAEL A. BABICKY, RPR
22 Certified Reporter
Certificate No. 50361

23 **PREPARED FOR:**

24 MS. JENNIFER WILLMOTT
25 ATTORNEY AT LAW

EXHIBITS

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EXHIBIT NO.

PAGE NO.

None marked.

1 REPORTER'S TRANSCRIPT OF PROCEEDINGS,
2 was taken on April 2, 2013 at the SUPERIOR
3 COURT, MARICOPA COUNTY, 175 W. Madison, Phoenix,
4 Arizona, before MICHAEL A. BABICKY, a Certified
5 Reporter in the State of Arizona.

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7 COUNSEL APPEARING:

8 For the Plaintiff:

9 DEPUTY COUNTY ATTORNEY
10 BY: MR. JUAN M. MARTINEZ, Esq.

11 For the Defendant:

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13 BY: MR. KIRK NURMI, Esq.
14 BY: MS. JENNIFER WILLMOTT, Esq.
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1 (Excerpt of proceedings.)

2 (Sidebar discussion.)

3 MS. WILLMOTT: What she wants to say is that how

4 Mr. Alexander threatened to commit suicide because he
5 said -- he used the F word, that he wanted to F'g kill
6 himself. This is important. It doesn't go to the truth
7 of the matter asserted, in other words, whether or not he
8 actually was to going kill himself. But this speaks to
9 the threat of abandonment and when we talk about
10 relationships and abusive relationships, threat of
11 abandonment which she discussed during the continuum is
12 something that is present in -- ultimately in abusive
13 relationships where one party is threatening abandonment.
14 And the way they do that is not just by saying, I'm going
15 to leave you, but also by threatening to commit suicide.

16 That's why it's important, not for the truth of
17 the matter asserted, therefore not hearsay.

18 MR. MARTINEZ: I don't see how she can talk
19 about the victim's state of mind i.e. did or did not want
20 to commit suicide.

21 Additionally, the only way she gets this
22 information is through the defendant, not the journal, but
23 through the defendant. There's a lack of trustworthiness
24 there. She's a liar. So I'm just having a difficult time
25 seeing how she can say that Mr. Alexander attempted

1 suicide.

2 Additionally, if this is the incident that we're
3 talking about, she's got it all wrong. This is the
4 incident where the defendant was peeping in the victim's
5 window, the brassiere incident is the way I remember it.
6 She came back the next day and confronted him and this is
7 where he was banging his head on the closet door, if you
8 remember.

9 There's no issue of suicide that was ever
10 discussed. And he never said he wanted to commit suicide.
11 He was just banging his head on the door so --

12 THE COURT: Well, that terminology doesn't
13 necessarily mean suicide. That's her interpretation is
14 that he wanted to commit suicide, that was the defendant?

15 MS. WILLMOTT: No. Judge, first of all, it's
16 not about Mr. Alexander's state of mind. It's about Ms.
17 Arias and what she would have perceived when Mr. Alexander
18 said, I F'n want to kill himself. That's what he says.
19 He threatened suicide. Now that's about what that does to
20 somebody in a relationship.

21 Second of all, Ms. LaViolette does not have this
22 all wrong. She's talking -- she just is not allowed to
23 finish the story because of the constant objections. But
24 that's what she's talking about is when she goes back the
25 next day and talks to Mr. Alexander about it and how upset

1 he gets.

2 MR. MARTINEZ: But the thing is that if
3 Ms. Willmott and I were married, I certainly would say I
4 F'g want to kill myself. That doesn't mean I want to kill
5 myself. It just means there's a bad relationship and I
6 want you to leave me alone.

7 She's talking again about somebody's state of
8 mind. Just because somebody says that, that doesn't mean
9 that he wants to commit suicide.

10 THE COURT: Okay.

11 MS. WILLMOTT: Judge, just for the record, I
12 think that that was an insult because he's trying to say
13 that if he and I were married --

14 MR. MARTINEZ: That was a compliment, bad joke.

15 MS. WILLMOTT: I don't see it as either. But at
16 any point --

17 THE COURT: All right. Let's move past that.

18 MS. WILLMOTT: Okay.

19 THE COURT: Okay. Let's go back to the topic at
20 issue. So you want -- your witness is -- you want your
21 witness to testify that your client was concerned about
22 abandonment because Travis Alexander said that he wanted to
23 kill himself. Is that it?

24 MS. WILLMOTT: Yes. You know, I mean, she's not
25 going to say that Mr. Arias was particularly concerned

1 about abandonment at that moment.

2 It's part of the pieces that get put together
3 ultimately in this progression of the relationship.

4 Threatening abandonment is one of those pieces.

5 So she's going to talk -- she just wants to say
6 basically that, well, he was flipping out over this, over
7 being caught, he is threatening to commit suicide and
8 banging his head against the closet door. And she did
9 testify to that.

10 THE COURT: She did. Okay. But I was unclear
11 that was the incident that you're talking about is the
12 journal entry.

13 MS. WILLMOTT: Yeah. It's not a journal entry.

14 THE COURT: Not talking about 569?

15 MS. WILLMOTT: No, not any more. We moved on.

16 THE COURT: You moved on. All right.

17 MS. WILLMOTT: I just move fast.

18 (Open court.)

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I, Michael A. Babicky, do hereby certify that
the foregoing pages constitute a true and accurate
transcript of my stenographic notes, taken at said time
and place, all done to the best of my skill and ability.

DATED this 8th day of April,

2013.

Michael A. Babicky /s/



Certified Reporter

Az. Certificate No. 50361